

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JAMIE HOUSEKNECHT,

Plaintiff,

v.

SANDRA BRULO, *et al.*,

Defendants.

NO. 3:08-0482

(JUDGE CAPUTO)

(MAGISTRATE JUDGE MANNION)

**MEMORANDUM**

Presently before the Court are Plaintiff's Motion for Extension of Time to File a Notice of Appeal (Doc. 144), Motion for Extension of Time to File a Motion for Reconsideration (Doc. 148), and Motion for the Court to Furnish Records (Doc. 142).

On January 27, 2011, Houseknecht filed a Motion for Relief from Court Order (Doc. 135). In that Motion, Houseknecht sought to vacate the Court's December 13, 2011 Order (Doc. 132) adopting Magistrate Judge Mannion's September 3, 2010 Report and Recommendation granting Defendants Thompson, Fabian, McDonald and Rutt's Motion to Dismiss. On July 25, 2011, the Court deemed Houseknecht's Motion withdrawn for failing to file a brief in support in accordance with Local Rule 7.5.<sup>1</sup> Houseknecht now seeks an extension of time to have the Court reconsider that determination, and/or appeal the determination to the Third Circuit.

Houseknecht seeks an extension of time to file a motion for reconsideration pursuant

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<sup>1</sup> Local Rule 7.5 ("Submission of Briefs Supporting Motions") provides that: "Within fourteen (14) days after the filing of any motion, the party filing the motion shall file a brief in support of the motion. . . . If a supporting brief is not filed within the time provided in this rule the motion shall be deemed to be withdrawn."

to Local Rule 7.10.<sup>2</sup> While a court may not extend the 28-day filing period prescribed under Rule 59(e), Fed. R. Civ. P. 6(b)(2), Local Rule 1.3 allows district courts to suspend the Local Rules in individual cases, allowing a Rule 7.10 motion for reconsideration to be timely when made outside of the regular fourteen (14) day period. *See Arlington Indus., Inc. v. Bridgeport Fittings, Inc.*, No. 3:06–CV–1105, 2011 WL 4916397 at \*3 (M.D. Pa. Oct. 17, 2011) (electing to consider the merits of an untimely motion to reconsider, citing Local Rule 1.3). However, as the Court will grant Houseknecht’s Motion for Extension of Time to File a Notice of Appeal, the Court will decline in this case to suspend the timing requirements of Local Rule 7.10, as it would not promote judicial economy or be in the interest of justice.

The Court will, however, grant Houseknecht’s Motion for Extension of Time to File a Notice of Appeal. (Doc. 144). The Federal Rules of Appellate Procedure Rule 4 allows a district court to extend the time in which a notice of appeal must be filed if “a party so moves no later than 30 days after the time prescribed” and that the party “shows excusable neglect or good cause.” Fed. R. App. P. 4(a)(5)(A). Here, Plaintiff’s Motion seeking such an extension was filed on August 25, 2011, seeking to appeal the Court’s July 25, 2011 Order. As “the notice of appeal . . . must be filed with the district clerk within 30 days after entry of the judgment or order appealed from,” Fed. R. App. P. 4(a)(1)(A), Plaintiff had until August 24, 2011 to file his notice of appeal, plus the additional 30-day grace period. Therefore,

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<sup>2</sup>Local Rule 7.10 provides that: “Any motion for reconsideration or reargument must be accompanied by a supporting brief and filed within fourteen (14) days after the entry of the order concerned. This rule is not applicable to a motion to alter or amend a judgment under Fed. R. Civ. P. 59.” Local Rule 7.10 is essentially a motion to alter or amend judgment under Federal Rules of Civil Procedure Rule 59(e), except that it allows a party to request any reconsideration of any court order, and is not limited to the entry of judgment. *Arlington Indus., Inc. v. Bridgeport Fittings, Inc.*, No. 3:06–CV–1105, 2011 WL 4916397 at \*2 (M.D. Pa. Oct. 17, 2011).

Plaintiff's Motion on August 25, 2011 falls within this period and is timely. Additionally, Plaintiff has also offered good reason for his delay, citing his time spent in the Restrictive Housing Unit where he does not have access to his legal and personal materials.

Plaintiff's Motion for an Order Mandating the Clerk of Courts to Furnish Court Records In Forma Pauperis (Doc. 142) will be granted in part. Plaintiff is seeking an extensive amount of documents, thirty different docket filings and a docket report. The Clerk's Office does not normally provide free copies to individuals except by order of court. Though all filings have been shared with Plaintiff, Houseknecht complains that he has lost many documents due to flooding in his prison cell, and that third-parties misplaced his documents during his move to the Restricted Housing Unit. While providing Plaintiff with his full list of request would be excessive, the Court will provide him with a copy of the docket, as well as: (1) Defendants Brulo, Symons, Lavan, Roman, and Doe's Answer to Plaintiff's First Amended Complaint (Doc. 27); (2) Defendants West and Joyce's Motion to Dismiss (Doc. 39); (3) Brief in Support of Motion to Dismiss (Doc. 40); (4) Defendants Brulo, Symons, and Lavan's Motion to Dismiss (Doc. 53); and (5) Brief in Support of Motion to Dismiss (Doc. 54).

**Conclusion**

The Court will grant Plaintiff's Motion for Extension of Time to File a Notice of Appeal, (Doc. 144), but will deny his Motion for Extension of Time to File a Motion for Reconsideration, (Doc. 145). Plaintiff's Motion for the Court to Furnish Records (Doc. 142) will be granted in that he will be provided a copy of the docket as well as the filings docketed at ECF Docket Numbers 27, 39, 40, 53 and 54.

An appropriate order follows.

December 6, 2011

Date

/s/ A. Richard Caputo

A. Richard Caputo

United States District Judge

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JAMIE HOUSEKNECHT,

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v.

SANDRA BRULO, *et al.*,

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CIVIL ACTION NO. 3:08-cv--0482

(JUDGE CAPUTO)

(MAGISTRATE JUDGE MANNION)

**ORDER**

**NOW**, this 6<sup>th</sup> day of December, 2011, **IT IS HEREBY ORDERED THAT:**

1. Plaintiff's Motion for Extension of Time to File a Notice of Appeal (Doc. 144) is **GRANTED**. Pursuant to Fed. R. App. P. 4(a)(5)(C), Plaintiff shall have fourteen (14) days from the granting of this motion to file a notice of appeal.
2. Plaintiff's Motion for Extension of Time to File a Motion for Reconsideration (Doc. 145) is **DENIED**.
3. Plaintiff's Motion for the Court to Furnish Records (Doc. 142) will be **GRANTED IN PART**—the Clerk of Court is directed to provide Plaintiff with a copy of the docket as well as the filings docketed at ECF Docket Numbers 27, 39, 40, 53 and 54.

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/s/ A. Richard Caputo  
A. Richard Caputo  
United States District Judge